

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: Christopher M. Gratz, Planner II

**SUBJECT:** Resolution: Palomino Drive, Town of Davie/Affirming the 60' of right-of-way for Palomino Drive (SW 50 Street) west of SW 151 Avenue as a Town park.

**AFFECTED DISTRICT:** District 4

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CLARIFYING THE PUBLIC USE PROVISION STATED IN THE REGENCY PLAZA PLAT NOTE; ESTABLISHING THAT THE PORTION OF PALOMINO DRIVE ENTERING THE TOWN PARK SHALL BE LIMITED TO NON-VEHICULAR TRAFFIC AND SHALL BE DEEMED A GREENWAY OR PASSIVE PARK; INCORPORATING THIS RESOLUTION WITHIN THE WARREN HENRY AUTOMOBILE DEALERSHIP, INC, DEVELOPMENT AGREEMENT; AUTHORIZING THE PREPARATION AND EXECUTION OF THE ASSOCIATED DOCUMENTS; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

### **REPORT IN BRIEF:**

On behalf of the residents in Chelsea at Ivanhoe, in association with the new Warren Henry Car Dealership approval, it is requested that the Town Council approve a resolution to change the use of the 60' right-of-way for Palomino Drive from a vehicular use road right-of-way to linear park. Staff has contacted all utility providers and there was no objection to the request.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None.

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

**Attachment(s):** Resolution, Future Land Use Plan Map, Zoning and Aerial Map

**RESOLUTION NO. 2004-**

**A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CLARIFYING THE PUBLIC USE PROVISION STATED IN THE REGENCY PLAZA PLAT NOTE; ESTABLISHING THAT THE PORTION OF PALOMINO DRIVE ENTERING THE TOWN PARK SHALL BE LIMITED TO NON-VEHICULAR TRAFFIC AND SHALL BE DEEMED A GREENWAY OR PASSIVE PARK; INCORPORATING THIS RESOLUTION WITHIN THE WARREN HENRY AUTOMOBILE DEALERSHIP, INC, DEVELOPMENT AGREEMENT; AUTHORIZING THE PREPARATION AND EXECUTION OF THE ASSOCIATED DOCUMENTS; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, as part of a Development Agreement, Warren Henry Automobile Dealership, Inc., seeks to donate land to the Town of Davie to be utilized as a Town Park; and

**WHEREAS**, the Town is the legal owner of that portion of Palomino Drive, which enters the Town Park; and

**WHEREAS**, the Regency Plat note states that this right-of-way shall be dedicated to the perpetual use of the public for proper purposes; and

**WHEREAS**, to ensure the safety of its citizens, and to extend the park area, the Town desires to limit the park entrance to a non-vehicular greenway or passive trail; and

**WHEREAS**, this Resolution seeks to clarify the Regency plat note by establishing that this right-of-way shall cease to be utilized for vehicular traffic; and

**WHEREAS**, this Resolution shall stand independently and shall also be incorporated within the Warren Henry Automobile Dealership, Inc., Development Agreement;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:**

**Section 1:** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council. All exhibits referenced herein and attached hereto are hereby incorporated herein.

**Section 2:** The Regency plat note is hereby clarified and it is hereby confirmed that the portion of Palomino Drive, which enters the Town Park, shall cease to be utilized for vehicular traffic.

**Section 3:** It is hereby determined that to ensure the safety of its citizens, the Town of Davie shall limit that portion of Palomino Drive, which enters the Town Park, to non-vehicular traffic and that this right-of-way shall be deemed a greenway or passive park.

**Section 4:** This Resolution shall stand independently and shall also be incorporated within the Warren Henry Development Agreement.

**Section 5.** The appropriate Town Staff is hereby authorized to prepare any and all documents necessary to effectuate the intent of this Resolution and the appropriate Town officials are hereby authorized to execute said documents.

**Section 6.** The Town Clerk is hereby directed to record a copy of this Resolution in the Public Records of Broward County, Florida.

**Section 7. Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 8. Severability.** If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Resolution.

**Section 9. Effective Date.** This Resolution shall be effective immediately upon its adoption.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of December 2003.

\_\_\_\_\_  
Tom Truex, Mayor

Attest:

\_\_\_\_\_  
Russell Muniz, Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Monroe Kiar, Town Attorney

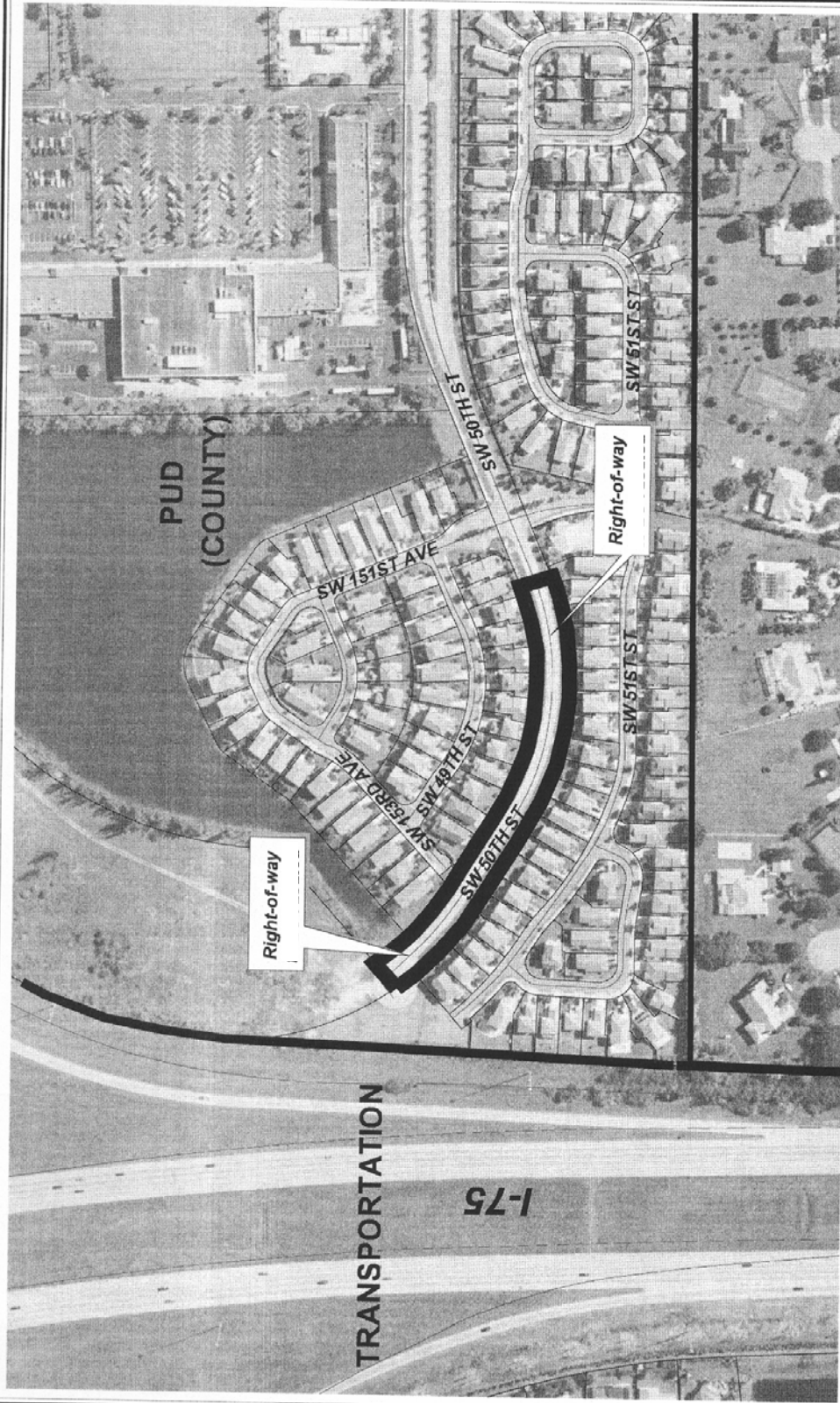
My Commission Expires:

STATE OF FLORIDA :  
COUNTY OF BROWARD :

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2003, by Mayor Tom Truex, who is personally known to me to be the Mayor of the Town of Davie, and acknowledged before me that the forgoing instrument has been executed on behalf of the Town of Davie, as its true act and deed, and that the Mayor was duly authorized to do so.

\_\_\_\_\_  
Notary Public

My Commission Expires:



Date Flown:  
12/31/00



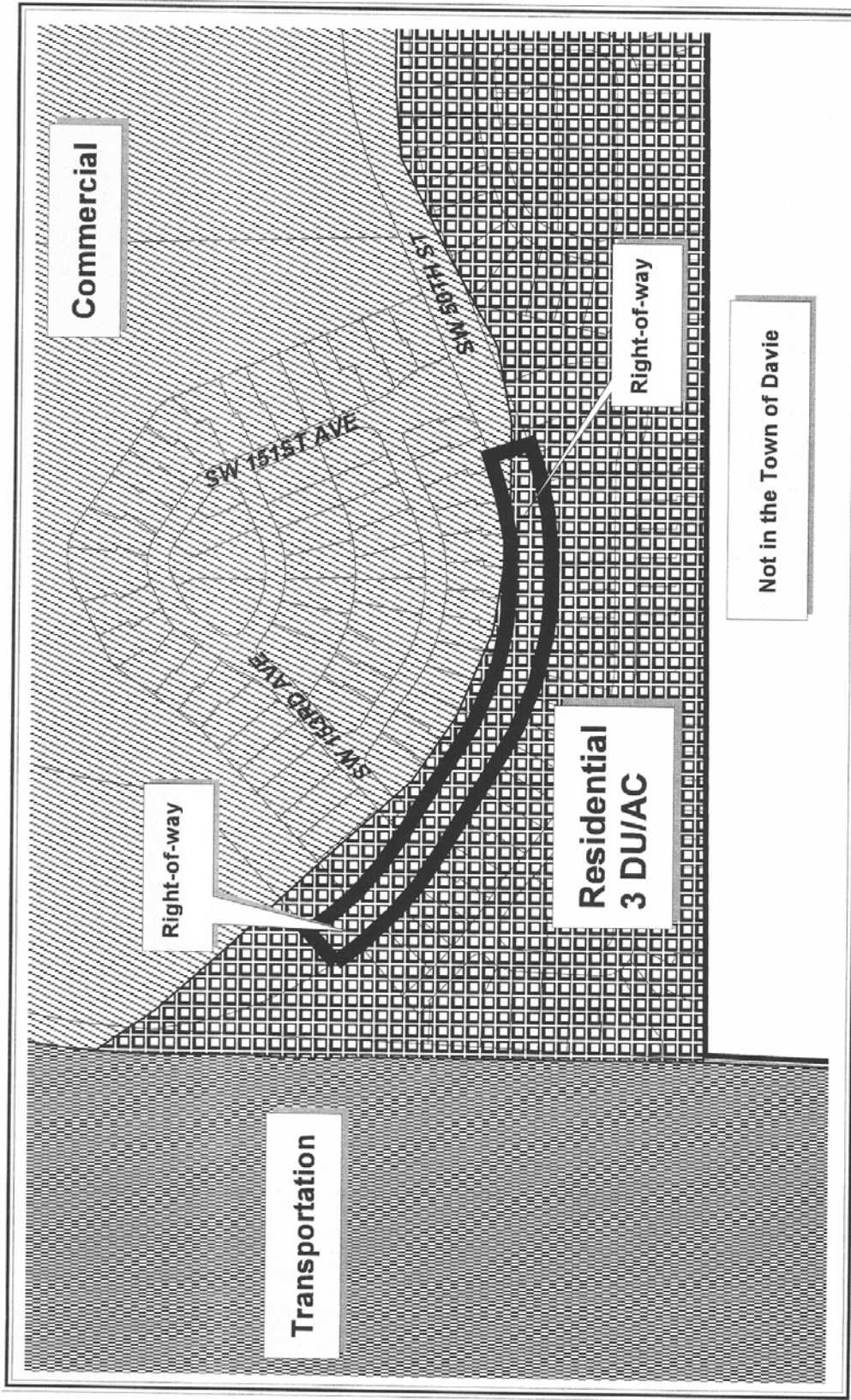
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Planning & Zoning Division - GIS



# Zoning and Aerial Map

Prepared By: TAV  
Date Prepared: 6/9/03



200 0 200 400 Feet

Planning & Zoning Division - GIS



## Future Land Use Map

Prepared By: TAV  
Date Prepared: 6/9/03

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